

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

20/6/15
#

Patent Application

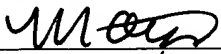
Inventor(s): G. Ganga Raju
Appln. No.: 09/463,024
Confirm. No.: 5778
Filed: February 15, 2002
Title: HYDROXYCITRIC ACID COMPOSITIONS,
PHARMACEUTICAL AND DIETARY
SUPPLEMENTS AND FOOD PRODUCTS MADE
THEREFROM, AND METHODS FOR THEIR USE
IN REDUCING BODY WEIGHT

PATENT APPLICATION

Art Unit: 1615
Examiner: Vanik, David L.
Atty. Docket No.: IHEAL-01063US1
Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.

 (Signature)
Mathew Otts
Signature Date: 8/22/2005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ Copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as required, except for those items designated by an asterisk (*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).
- ☒ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in

§1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

PTA Statement under 37 C.F.R. §1.704(d). Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

This statement should be considered because:

X 37 C.F.R. §1.97(c). Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).

-- OR --

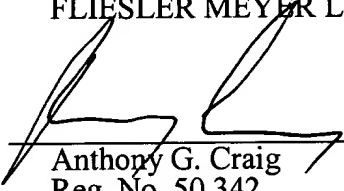
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

X ***Fee Authorization.*** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. ***A duplicate copy of this authorization is enclosed.***

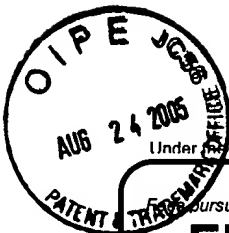
Respectfully submitted,

FLIESLER MEYER LLP

Date: 8-22-05

By: 
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Effective on 12/08/2004.

Enacted pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**180.00****Complete if Known**

Application Number	09/463,024
Filing Date	2/15/2002
First Named Inventor	G. Ganga Raju
Examiner Name	Vanik, David L.
Art Unit	1615
Attorney Docket No.	IHEAL-01063US1

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 06-1325 Deposit Account Name: 23910 - Fliesler Meyer LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ - 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

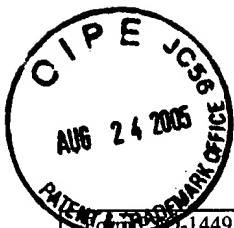
Other: Information Disclosure Statement (\$180.00) 180.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	50.342	Telephone	415.362.3800
Name (Print/Type)	Anthony G. Craig	Date	8-22-05		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: IHEAL-01063US1

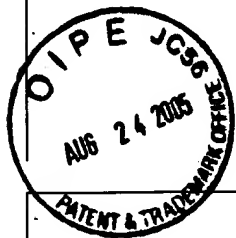


0-1449 (Substitute) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <i>Information Disclosure Statement</i> BY APPLICANT <i>(Use several sheets if necessary)</i>	Attorney Docket Number IHEAL-01063US1	Serial/Patent Number 09/463,024
	Applicant/Patent Owner G. Ganga Raju	
	Filing/Issue Date February 15, 2002	Group Art Unit 1615

U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		5,543,405	Aug. 6, 1996	Keown et al.			
		5,567,424	Oct. 22, 1996	Hastings			
		5,612,039	Mar 18, 1997	Policappelli et al.			
		5,626,849	May 6, 1997	Hastings et al.			
		5,656,314	Aug 12, 1997	Moffett et al.			
		5,716,976	Feb 10, 1998	Richard K. Bernstein			
		5,783,603	Jul 21, 1998	Majeed et al.			
		6,160,172	Dec. 12, 2000	Balasubramanyam et al.			
		6,207,714	Mar 27, 2001	Clouatre et al.			
		6,217,898	Apr 17, 2001	Claudio Cavazza			
		6,383,482	May 7, 2002	Wayne F. Gorsek			
		6,395,296	May 28, 2002	Balasubramanyam et al.			
		6,399,089	Jun 4, 2002	Yegorova et al.			
		6,413,545	Jul. 2, 2002	Alviar et al.			
		6,441,041	Aug 27, 2002	Clouatre et al.			
		6,447,807	Sep 10, 2002	Clouatre et al.			
		6,476,071	Nov 5, 2002	Clouatre et al.			
		6,482,858	Nov 19, 2002	Clouatre et al.			
		6,579,866	Jun. 17, 2003	McCleary			
		6,638,542	Oct. 28, 2003	Nieuwenhuizen et al.			

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		Applicant/Patent Owner G. Ganga Raju	
		Filing/Issue Date February 15, 2002	Group Art Unit 1615



U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
		2001/0044469	Nov 22, 2001	Clouatre et al.
		2003/0133992	Jul 17, 2003	Bagchi et al.
		2003/0207942	Nov. 6, 2003	Bhaskaran et al.
		2003/0-119913	Jun. 26, 2003	Ohia et al.
		2004/0014692	Jan 22, 2004	Bagchi et al.
		2004/0157929	Aug 12, 2004	Ohia et al.
		2004/0186181	Sep 23, 2004	Bagchi et al.


PENDING U.S. PATENT APPLICATIONS

Examiner Initial		Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes No
		60/554,653	Mar 19, 2004	Bagchi et al.	
		60/628,381	Nov 16, 2004	Bagchi et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No
		WO 99/03464	28 Jan 1999	PCT			
		WO 00/12080	9 Mar 2000	PCT			
		WO 00/48983	24 Aug 2000	PCT			
		WO 00/57729	5 Oct 2000	PCT			

Examiner	Date Considered
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>*1 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.</p> <p>*2 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.</p>	

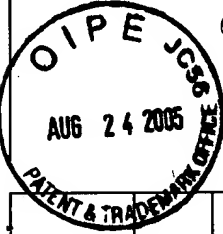
Form PTO-1449 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)	Attorney Docket Number IHEAL-01063US1	Serial/Patent Number 09/463,024
		Applicant/Patent Owner G. Ganga Raju	
		Filing/Issue Date February 15, 2002	Group Art Unit 1615

	WO 02/078616	10 Oct 2002	PCT				
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OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

	Clouatre, Dallas, "Anti-Fat Nutrients," Pax Publishing, San Francisco, CA (1993).
	Clouatre, Dallas, "New Information on (-)-hydroxycitric acid/HCA," Clouatre Consulting Group (September 5, 1995).
	Clouatre, Dallas, et al., "The Diet and health benefits of HCA – How this all-natural diet aid promotes weight loss and inhibits fat production," A Keats Good Health Guide (1994).
	Goldberg, Burton, "Weight Loss - An alternative Medicine Definitive Guide," AlternativeMedicine.com Books, Tiburon, California.
	Kendall, Pat, "Beware of New Weight Loss Products," Food Science and Human Nutrition Specialist, Colorado State University Cooperative Extension (July 7, 1999).
	Ohia, Sunny E., et al., "Safety and mechanism of appetite suppression by a novel hydroxycitric acid extract (HCA-SX)," <i>Molecular and Cellular Biochemistry</i> , Vol. 238, pp. 89-103, 2002.
	Ohia, Sunny E., et al., "Effect of Hydroxycitric Acid on Serotonin Release from Isolated Rat Brain Cortex," <i>Research Communications in Molecular Pathology and Pharmacology</i> , Vol. 109, Nos. 3 & 4, March, April 2001, pp. 210-216.
	Palmeri, Denise, "Metabolife, Metabolite and Chitoslim: Safe Bets for Losing Weight?," ext.colostate.edu, May 2002 pp. 1-4
	Romsos, Chee H., "Influence of (-)-hydroxycitrate on lipogenesis in chickens and rat," http://www.ncbi.nlm.nih.gov .
	Roy, Sashwati, et al., "Body Weight and Abdominal Fat Gene Expression Profile in Response to a Novel Hydroxycitric Acid-Based Dietary Supplement," <i>Gene Expression</i> , Vol. 11, pp.251-262, February 24, 2004.
	Shara, Michael, et al., "Physico-chemical properties of a novel (--)hydroxycitric acid extract and its effect on body weight, selected organ weights, hepatic lipid peroxidation and DNA fragmentation, hematology and clinical chemistry, and histopathological changes over a period of 90 days," <i>Molecular and Cellular Biochemistry</i> , Vol. 260, pp. 171-186, 3 October 2003.
	Verghese, James, "(-)-Hydroxycitrates - The usefulness of (-)-hydroxycitric acid as an obesity regulator is attracting more attention from the food & pharmaceutical industry. Can it be called an ingredient for functional foods?," <i>The World of Ingredients</i> .
	Wong, Cathy, "Evaluating Natural Weight Loss Supplements, What to Try and What to Avoid," http://altmedicine.about.com/library/weekly ; pp. 1-8, printed May 16, 2002.
	AIM Metabolite (1999) AIM International, Inc.

Examiner	Date Considered
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>*1 = Copy not submitted because it was submitted in prior application SN ____ / ____, filed ____, 20__, relied on under 35 USC §120.</p> <p>*2 = Copy not submitted because it was submitted in prior application SN ____ / ____, filed ____, 20__, relied on under 35 USC §120.</p>	

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		Applicant/Patent Owner G. Ganga Raju	
		Filing/Issue Date February 15, 2002	Group Art Unit 1615
		Clinical Study on Ephedra-Free Super Citrimax®; Interhealth, dated January 29, 2004. Press Release	
		Herbs and Weight Loss FAQ's; http://herbsforhealth.about.com/library , pp. 1-3	
		Researchers Reveal the Beauty of Super CitriMax® - Again; New HCA Study Confirms Super CitriMax® may be the most Effective, All-Natural Diet Ingredient Yet. Pages 1-8.	

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